

Attorney Docket No.: 54718.000016

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**ACTIVE AGENT DELIVERY SYSTEMS AND METHODS  
FOR PROTECTING AND ADMINISTERING ACTIVE AGENTS**the specification of which ☐ is attached hereto.☒ was filed on: August 22, 2000as Application No.: 09/642,620

and was amended on: \_\_\_\_\_ (if applicable).

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

And I hereby authorize and request our agents, Hurton &amp; Williams, whose address is set forth below, to insert above, the filing date and application number of said application when known.

**Prior Foreign Application(s)**

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application Number	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed	
				Yes <input type="checkbox"/>	No <input type="checkbox"/>
				Yes <input type="checkbox"/>	No <input type="checkbox"/>
				Yes <input type="checkbox"/>	No <input type="checkbox"/>

**Prior Provisional Application(s)**

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

**BEST AVAILABLE COPY**

WASHINGTON 270312-1

Application Number	Date of Filing (day, month, year)

**Prior United States Application(s)**

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or § 365(c) of any PCT international application designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Date of Filing (day, month, year)	Status - Patented, Pending, Abandoned

And I hereby appoint, both jointly and severally, as my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the following attorneys, their registration numbers being listed after their names:

Stanislav Akerman, Reg. No. 28,562; Jennifer A. Albert, Reg. No. 32,012; Thomas E. Anderson, Reg. No. 37,063; David E. Baker, Reg. No. 42,285; Scott D. Balderston, Reg. No. 35,438; Carl L. Benson, Reg. No. 38,378; J. Robert Brown, Jr., Reg. No. 45,438; Brian W. Burket, Reg. No. 39,125; Christopher C. Campbell, Reg. No. 37,291; Katherine S. Chang, Reg. No. 40,554; Robin C. Clark, Reg. No. 40,956; Patrick A. Doody, Reg. No. 35,022; Kevin T. Duncan, Reg. No. 41,495; Ozzie A. Farres, Reg. No. 43,606; Nancy J. Finn, Reg. No. 46,704; Christopher J. Forstner, Reg. No. 46,049; Charles F. Hollie, III, Reg. No. 40,658; Nancy J. Jensen, Reg. No. 45,913; Herbert V. Kerner, Reg. No. 42,721; Jonathan L. Link, Reg. No. 41,548; Tyler Maddry, Reg. No. 40,074; J. Michael Martinez, Reg. No. 37,178; David H. Milligan, Reg. No. 42,893; James H. Miner, Reg. No. 40,444; Kerry R. Owens, Reg. No. 37,412; Michael P.F. Phelps, Reg. No. 48,654; John P. Pinkerton, Reg. No. 28,746; Andrew J. Pirie, Reg. No. 45,597; Stephen T. Schreiner, Reg. No. 43,097; Robert M. Schulman, Reg. No. 31,196; Thomas J. Scott, Jr., Reg. No. 27,836; Stuart I. Smith, Reg. No. 42,159; Yisun Song, Reg. No. 44,487; Samson Vermont, Reg. No. 42,202; Robert J. Ward, Reg. No. 28,746; and Scott F. Yamell, Reg. No. 45,245.

WASHINGTON & WILLIAMS  
Registered Property Consultants  
1800 K Street, N.W.  
Suite 1200  
Washington, D.C. 20006-1109  
(202) 666-6100 (telexphone); (202) 778-3291 (facsimile)

WASHINGTON 2703832

Page 2

All correspondence and telephone communications should be addressed to:

CUSTOMER NUMBER

21967

corresponding to the law firm of Hunton & Williams; Intellectual Property Department; 1900 K Street, N.W., Suite 1200, Washington, DC 20006-1109; telephone number (202) 955-1500; facsimile number (202) 778-2201, which is also the address, telephone and facsimile numbers of each of the above listed attorneys.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature

*[Signature]*

Date

May 9, 2002

Full Name of  
First Inventor

RICCARIELLO  
(Family Name)

Thomas  
(First Given Name)

(Second Given Name)

Citizenship

USA

Residence

Blacksburg, VA

Mailing Address

203 Murphy Street  
Blacksburg, Virginia 24060-2534

Signature

*[Signature]*

Date

May 9, 2002

Full Name of  
Second Inventor

OLSON  
(Family Name)

Lawrence  
(First Given Name)

P.  
(Second Given Name)

Citizenship

USA

Residence

Bristol, TN

Mailing Address

300 Gateway Road  
Bristol, Tennessee 37620-3034

BEST AVAILABLE COPY

HUNTON & WILLIAMS  
Intellectual Property Department  
1900 K Street, N.W.  
Suite 1200  
Washington, D.C. 20006-1109  
(202) 439-6100 (Telephone); (202) 778-2201 (Facsimile)

WASHINGTON 210351

Page 2

Signature

*[Handwritten Signature]*

Date May 9, 2002

Full Name of

Third Inventor

KIRK

(Family Name)

Randal

(First Given Name)

J.

(Second Given Name)

Citizenship

USA

Residence

Radford, VA

Mailing Address

P.O. Box 3526

Radford, Virginia 24143-3526

BEST AVAILABLE COPY

WASHINGTON & WILLIAMS  
Intellectual Property Department  
1300 N. Street, N.W.  
Suite 1200

Washington, D.C. 20004-1140  
(202) 462-1500 (Telephone); (202) 776-3251 (Facsimile)

WASHINGTON 27038311

Page 4

# **RECORDATION FORM COVER SHEET PATENTS ONLY**

To the Director of the United States Patent and Trademark Office: Please record the attached original document(s) or copy(ies) thereof.

**1. Name of Conveying Party(ies):**

**Lotus Biochemical Corporation**

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

**2. Name and Address of Party(ies) receiving an interest (assignee(s)):**

**Name:** New River Pharmaceuticals Inc.

**Name:**

**Address:** The Governor Tyler  
1902 Downey Street  
Radford, Virginia 24060

**Address:**

**Country:** USA

**Country:**

Additional name(s) and address(es) attached? ☐ Yes ☒ No

**3. Nature of Conveyance:**

☐ Assignment

☐ Merger

☒ Change of Name

☐ Verified Translation

☐ Security Agreement

☐ Other: \_\_\_\_\_

Execution Date: **January 24, 2001**

**4. Application number(s) or patent number(s):**

If this document is being filed together with a new application, the execution date(s) of the application is: \_\_\_\_\_

A. Patent Application No(s):

B. Patent No(s):

09/642,820

Others on additional sheet(s) attached? ☐ Yes ☒ No

**5. Name and address of party to whom correspondence concerning document should be mailed:**

**Jeffrey T. Perez, Reg. No. 52,110**  
Intellectual Property Department  
Hunton & Williams LLP  
1900 K Street, N.W.  
Suite 1200  
Washington, DC 20006-1109  
(202) 955-1500 (telephone)  
(202) 778-2201 (facsimile)

**6. Total number of applications and patents involved:**

Application(s): 1  
+ Patent(s): \_\_\_\_\_  
= Total: 1

**7. Total Fee (37 C.F.R. § 3.41) . . . . . \$ 40.00**

☒ Enclosed

☐ Authorized to be charged to Deposit Account

**8. Deposit Account No.: 50-0206**

(Duplicate copy of this sheet attached)

☒ Charge any underpayment or credit any overpayment to above Deposit Account

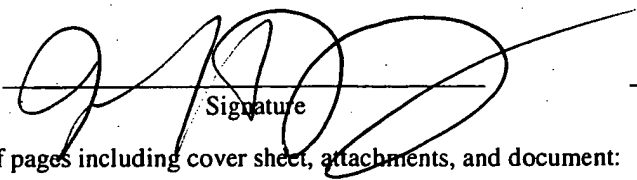
**DO NOT USE THIS SPACE**

**9. Statement and Signature**

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

**Jeffrey T. Perez**

Name of Person Signing

  
Signature

**October 27, 2003**

Date

Total number of pages including cover sheet, attachments, and document:

**5**

## LOTUS BIOCHEMICAL CORPORATION

### ARTICLES OF AMENDMENT

1. The name of the corporation is Lotus Biochemical Corporation (the "Corporation").
2. Article I of the Corporation's Amended and Restated Articles of Incorporation, as amended (the "Articles of Incorporation"), is amended as follows:  
  
"The name of the corporation shall be New River Pharmaceuticals Inc."
3. The amendment to the Articles of Incorporation was approved and adopted by the unanimous written consent of the Board of Directors of the Corporation, effective January 17, 2001.
4. Holders of shares of common stock of the Corporation were eligible to vote on the adoption of the amendment to the Articles of Incorporation. The amendment was approved and adopted by the written consent of the shareholders of the Corporation, effective January 23, 2001. There were 15,365.27 shares of common stock of the Corporation outstanding as of January 23, 2001, which represented 15,365.27 votes. There were 12,038.5 undisputed votes cast for the amendment, representing a sufficient number of votes necessary to approve the amendment in accordance with the Articles of Incorporation.
5. These Articles of Amendment shall be effective at 5:00 p.m. on January 24, 2001.

[SIGNATURE ON FOLLOWING PAGE]

BEST AVAILABLE COPY

IN WITNESS WHEREOF, said Lotus Biochemical Corporation has caused these Articles of Amendment to be signed by its authorized officer, this 24th day of January, 2001.

LOTUS BIOCHEMICAL CORPORATION

By: 

Name: Randal J. Kirk  
Title: Chairman

BEST AVAILABLE COPY

**COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION**

January 24, 2001

The State Corporation Commission has found the accompanying articles submitted on behalf of New River Pharmaceuticals Inc. (formerly LOTUS BIOCHEMICAL CORPORATION ) to comply with the requirements of law, and confirms payment of all related fees.

Therefore, it is ORDERED that this

**CERTIFICATE OF AMENDMENT**

be issued and admitted to record with the articles of amendment in the Office of the Clerk of the Commission, effective January 24, 2001, at 05:00 PM.

The corporation is granted the authority conferred on it by law in accordance with the articles, subject to the conditions and restrictions imposed by law.

STATE CORPORATION COMMISSION

By



Commissioner

**BEST AVAILABLE COPY**

01-01-23-0513  
AMENACPT  
CIS0352



# Commonwealth of Virginia



## State Corporation Commission

*I Certify the Following from the Records of the Commission:*

The foregoing is a true copy of the certificate of amendment of New River Pharmaceuticals Inc. issued January 24, 2001.

Nothing more is hereby certified.



*Signed and Sealed at Richmond on this Date:  
March 18, 2002*

*Joel H. Peck*  
Joel H. Peck, Clerk of the Commission

BEST AVAILABLE COPY

## ASSIGNMENT

(Combined)

This ASSIGNMENT, by Thomas Piccariello, residing at 203 Murphy Street, Blacksburg, Virginia 24060; Lawrence P. Olon, residing at 306 Gateway Road, Bristol, Tennessee, and Randall J. Kirk, residing at P.O. Box 3526, Radford, Virginia, (hereinafter referred to as "the Assignors"), witnesseth:

WHEREAS, the Assignor has invented certain new and useful improvements in ACTIVE AGENT DELIVERY SYSTEMS AND METHODS FOR PROTECTING AND ADMINISTERING ACTIVE AGENTS set forth in an application, [] which is a provisional application to be filed herewith; [x] which is a non-provisional application having an oath or declaration executed on even date herewith prior to filing of application; [x] bearing Application No. 09/642,820 and filed on August 22, 1999; and

WHEREAS, Lotus Biochemical Corporation, a corporation duly organized under and pursuant to the laws of , and having its principal place of business at 7335 Lee Highway, Radford, Virginia 24141 (hereinafter referred to as "the Assignee"), is desirous of acquiring the entire right, title, and interest in and to said inventions, the right to file applications on said inventions and the entire right, title and interest in and to any applications, including provisional applications for Letters Patent of the United States or other countries claiming priority to said application, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon.

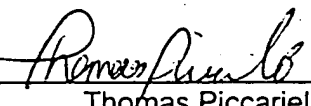
NOW, THEREFORE, in consideration of One dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, the Assignor has sold, assigned, transferred, and set over, and by these presents does sell, assign, transfer, and set over, unto the Assignee, its successors, legal representatives, and assigns the entire right, title and interest in and to the above-mentioned inventions, the right to file applications on said inventions and the entire right, title and interest in and to any applications for Letters Patent of the United States or other countries claiming priority to said application, and any and all Letters Patent or Patents of the United States of America and all foreign countries that may be granted therefor and thereon, and in and to any and all applications claiming priority to said applications, divisions, continuations, and continuations-in-part of said applications, and reissues and extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by the Assignee, for its own use and behalf and the use and behalf of its successors, legal representatives, and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted as fully and entirely as the same would have been held and enjoyed by the Assignor had this sale and assignment not be made;

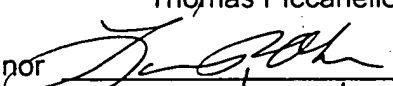
AND for the same consideration, the Assignor hereby covenants and agrees to and with the Assignee, its successors, legal representatives, and assigns, that, at the time of execution and delivery of these presents, the Assignor is the sole and lawful owner of the entire right, title and interest in and to the inventions set forth in said applications and said applications, including provisional applications, above-mentioned, and that the same are unencumbered, and that the Assignor has good and full right and lawful authority to sell and convey the same in the manner herein set forth;

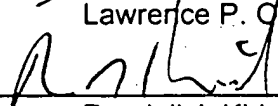
AND for the same consideration, the Assignor hereby covenants and agrees to and with the Assignee, its successors, legal representatives, and assigns that the Assignor will, whenever counsel of the Assignee, or the counsel of its successors, legal representatives, and assigns, shall advise that any proceeding in connection with said inventions or said applications for Letters Patent or Patents, or any proceeding in connection with Letters Patent or Patents for said inventions in any country, including interference proceedings, is lawful and desirable, or that any application claiming priority to said application, division, continuation, or continuation-in-part of any applications for Letters Patent or Patents, or any reissue or extension of any Letters Patent or Patents to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent or Patents for said inventions, without charge to the Assignee, its successors, legal representatives, and assigns, but at the cost and expense of the Assignee, its successors, legal representatives, and assigns;

AND the Assignor hereby authorizes and requests the attorneys of NIXON PEABODY LLP of McLean, Virginia, to insert in the spaces provided above the filing date, application number, and attorney docket number of said application when known.

AND the Assignor hereby requests the Commissioner of Patents to issue any and all said Letters Patent of the United States to the Assignee, as the Assignee of said inventions and the Letters Patent to be issued thereon for the sole use and behalf of the Assignee, its successors, legal representatives, and assigns.

Date 11/3/00 Signature of Assignor   
Thomas Piccariello

Date 11/9/00 Signature of Assignor   
Lawrence P. Olon

Date 11/3/00 Signature of Assignor   
Randall J. Kirk

BEST AVAILABLE COPY



ONLY PATENTS &amp; PAT. APP.

PAT. APPLNS. &amp; PATENTS ONLY

101576943

To the Honorable Commissioner of Patents and Trademarks, Wash., D.C. 20231

SIR: Please record the attached original document or copy thereof on which the particulars are:

1. Name of conveying party(ies) (assignor(s)):

Thomas PICCARIELLO, Lawrence P. OLON, and Randall J. KIRK

Additional name(s) of conveying party(ies) attached? [ ] yes [X] no

2. Name and Address of Party(ies) receiving an interest (assignee(s)):

Address: Lotus Biochemical Corporation

7335 Lee Highway, Radford, Virginia 24141

Country: U.S.

Additional name(s) &amp; address(es) attached? [ ] yes [X] no

3. Nature of Conveyance:

☒ Assignment

Execution Date: November 3, 2000; November 9, 2000; November 3, 2000

☐ Merger☐ Change of Name☐ Verified Translation☐ Security Agreement☐ Other

4. Execution date(s) on the Declaration if filed herewith: November 3, 2000

4.5 Application number(s) or patent number(s). Others on additional sheet(s) attached? [ ] yes [X] no

A. Patent Application No(s).  
(series code/serial number)First Inventor  
if not in Item 1

09/642,820

B. Patent No(s).

First Inventor  
if not in Item 15. Name and address of party to whom correspondence  
concerning document should be mailed:

PAUL D. GOLIAN

Hunton &amp; Williams

1900 K Street, N.W., Suite 1200

Washington, D.C. 20006-1109

(see telephone number below)

6. Number involved:

Appls. 1 + Pats: = Total 1

7. Amount of fee enclosed:

Above Total x \$40 = \$40.00

8. If above fee missing or inadequate charge  
insufficiency to Deposit Account number  
50-0206 (duplicate sheet not required.)

5.5 Atty. Dkt.

99999.000309 (To Be Assigned)

DO NOT USE THIS SPACE

9. Statement and signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy  
is a true copy of the original document.

Signature

10. Total number of pages  
including this cover sheet  
(Do NOT file dup. cover sheet)

5

Attorney: Paul D. Golian

Reg. No. 42,591

Date: January 4, 2001

Atty/Sec: PDG/tlc

Tel: 202-955-1500

Fax: 202-778-2201